

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TRENNESE HOWARD,

Plaintiff,

v.

Case No. 09-13913
Hon. John Corbett O'Meara

MGM GRAND DETROIT, LLC, d/b/a
MGM GRAND DETROIT CASINO; and
INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE &
AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA-UAW,

Defendants.

**ORDER GRANTING DEFENDANT UAW INTERNATIONAL'S
FEBRUARY 9, 2010 MOTION TO DISMISS, DENYING
DEFENDANT UAW INTERNATIONAL'S FEBRUARY 9, 2010
MOTION FOR RULE 11 SANCTIONS, AND
DENYING PLAINTIFF'S FEBRUARY 10, 2010 MOTION FOR REMAND**

This matter came before the Court on UAW International's February 9, 2010 Motion to Dismiss, UAW International's February 9, 2010 Motion for Rule 11 Sanctions, and Plaintiff's February 10, 2010 Motion for Remand. Oral argument was heard on the above-referenced Motions on May 13, 2010.

By way of background, Plaintiff filed the complaint in this matter against MGM Grand, LLC, UAW International and UAW Local 7777 in Wayne County Circuit Court on June 26, 2009. UAW International was served on September 28, 2009. UAW Local 7777 was never served and is not a party to this case. On October 5, 2009, UAW International removed the action to this Court.

The Court finds that Plaintiff's action against the UAW International falls under the complete preemption doctrine of § 301 of the Labor Management Relations Act, 29 U.S.C. § 185 and

therefore was properly removed by the UAW International to the federal court. Therefore, Plaintiff's Motion to Remand is denied. Plaintiff's claim against the UAW International is a duplicate of the action Plaintiff filed in Case No. 08-10253. As such, the current action is barred by *res judicata*. Plaintiff's claim is also barred by the statute of limitations. Therefore, the UAW International's Motion to Dismiss is granted. The Court denies the UAW International's Motion for Rule 11 Sanctions.

ORDER

It is hereby **ORDERED** that Plaintiff's February 10, 2010 Motion for Remand is **DENIED**.

It is further **ORDERED** that the UAW International's February 9, 2010 Motion to Dismiss is **GRANTED**.

It is further **ORDERED** that UAW International's February 9, 2010 Motion for Rule 11 Sanctions is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: May 20, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, May 20, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager